

Message Text

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70

ACTION L-03

INFO OCT-01 EUR-25 ISO-00 PM-07 AID-20 NSC-07 SP-03 SS-20

RSC-01 CIAE-00 INR-10 NSAE-00 MC-02 SAJ-01 DRC-01

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FM AMEMBASSY LONDON

TO SECSTATE WASHDC 0099

INFO SECDEF

AMEMBASSY NICOSIA

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E.O. 11652: N/A

TAGS: PFOR, CY, UK, US

SUBJECT: NIMBUS STAR

REF: STATE 73325

1. FCO HAS NOW REPLIED TO OUR PROPOSED EXCHANGE OF NOTES RE LEGAL ASPECTS OF U.S. OPERATIONS IN AND FROM SBAS. ESSENTIALLY, FCO ENDORSED THE SERIES OF INTERIM LETTERS ON THE SUBJECT THAT MOD HAS SENT TO NAVEUR OVER THE PAST TWO WEEKS. AS FAR AS WE CAN DETERMINE, THESE LETTERS HAVE HAD THE BENEFIT OF LEGAL ASSISTANCE BUT DO NOT CONSTITUTE A FULLY-STAFFED LEGAL BRIEF. IT IS CLEAR, HOWEVER, THAT HMG WOULD PREFER A LESS FORMAL ARRANGEMENT THAN THE EXCHANGE OF NOTES WE ENVISION.

2. SPECIFICALLY, FCO AND MOD WOULD LIKE A LOOSER ARRANGEMENT BASED ON NATO SOFA. IN THIS RESPECT THEY SUGGEST THAT THE FOLLOWING ARTICLES BE DEEMED TO APPLY WHEN APPROPRIATE: III TO VI AND VIII TO XIV.

3. BOTH FCO AND MOD BELIEVE THE FOREGOING LEGAL COVERAGE TO BE ADEQUATE FOR THE PURPOSES INVOLVED. THEY

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STATE THAT THE SECOND AGREEMENT (REFTEL) APPEARS IR-

RELEVANT TO THE CYPRUS END OF THE OPERATION, SINCE IT PERTAINS TO SHIPS AND NOT TO THE MEN AND EQUIPMENT DEPLOYED IN THE SBAS. THEY ALSO BELIEVE THE THIRD AGREEMENT (REFTEL) IS INAPPROPRIATE AS IT DERIVES FROM A DIFFERENT SET OF CIRCUMSTANCES, SEEMS COUNTER TO THE PROVISIONS OF ARTICLE VIII OF THE NATO SOFA, AND HAS IN THE PAST BEEN EMPLOYED IN INSTANCES NOT CAPABLE OF COVERAGE WITHIN THE PROVISIONS OF THE NATO SOFA.

4. REQUEST INSTRUCTIONS.

SOHM

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Message Attributes

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